IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.4.2007

CORAM:

THE HONOURABLE MR.JUSTICE F.M.IBRAHIM KALIFULLA

AND

THE HONOURABLE MR.JUSTICE V.DHANAPALAN

W.P.No.13692 of 2002
& W.P.M.P.No.18467 of 2002

Union of India,
Rep. by the Senior Superintendent
of Post Office,
Salem East Division,
Salem-636 001. .. Petitioner

vs.

1. R.Madhavan
2. G.Madeswaran
3. The Registrar,
Central Administrative Tribunal,
Madras Bench,
City Civil Court Buildings,
Chennai-600 104. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari after calling the records relating to the order dated 20.3.2001 in O.A.No.194 of 2000 passed by the third respondent and to quash the same.

For petitioner : Mr.M.Devadoss, ACGSC
For respondent-2: Mr.S.Mani
Fro Respondetn 1 and 3 - No Appearance,

ORDER

(The Order of the Court was made by F.M.Ibrahim Kalifulla,J)

Union of India, represented by the Senior Superintendent of Post Office is the petitioner. The challenge is to the order of the Central Administrative Tribunal, dated 20.3.2001 passed in O.A.No.194 of 2000. By the order impugned, the Tribunal set aside the selection of the first respondent as EDBPM of Arasanatham Branch Office, by order dated 30.12.1999.

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2. The brief facts are that the petitioner, by its call letter dated 10.12.1999, called for three candidates for the verification of their original documents for the purpose of selection and appointment to the post of EDBPM, Arasanatham Branch Office. The first and second respondents, along with one Ms.C.Uma, turned up for verification. Based on the verification, the petitioner has noted the following particulars with regard to all the three of them:

Sl.No.	Name of the Official	Marks	Income	Property
1	Kum.C.Uma, D/o K.Chinnasamy	247	VAO Certificate produced	No document produced for property
2	Sri.R.Madhavan, S/o P.Ramasamy, (to be retd. BPM, Arasanatham)	206	Tahsildar Certificate produced	Document for owning agri. land produced
3	Sri.G.Matheswaran S/o Govindasamy Pandaram	281	No income certificate produced	Document produced

3. The method of recruitment for the post of EDBPM has been set out in the report of Justice Talwar Committee on Postal Extra-Departmental System. It contains the Rules applicable to Extra-Departmental authorities, method of recruitment, training programmes and other details relating to Extra-Departmental authorities. Paragraphs 2,3 and 6 in the "method of recruitment", are relevant. In Paragraph 2, qualification of EDBPM has been prescribed as Matriculation. It specifically says that no weightage need be given for higher qualification. In Paragraph 3, it is specifically provided that the person who takes over the agency (EDSPM/EDBPM) must be one who has adequate means of livelihood and that he must be able to offer space to serve as the agency premises for postal operations. It also states that such premises must be such as will serve as a small Post Office with provision for installation of even a PCO. Under paragraph 6, it is specifically stipulated that the source of livelihood is a very relevant criteria and that in case any selected person looses his main source of income, he should be adjudged as having incurred disqualification to continue as EDBPM. It also mentions that there must be absolute insistence on the independent source of income and that the allowance for his work as EDBPM must be just supplementary to his income.

4. On a combined reading of the above referred to provisions, it is imperative that a candidate who aspires to become an EDBPM should satisfy apart from the minimum qualification of matriculation, the property to house EDBPM Branch Post Office and also the necessary wherewithal for the concerned candidate to eke out his livelihood without depending on the

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operation of Extra-Departmental Post Office.

5. When the above said basic requirement is the criteria for the selection and appointment of EDBPM, the selection proceedings of the petitioner in having appointed the first respondent as EDBPM of Arasanatham Branch Office, cannot be held to be in violation of any Rule or contrary to the prescribed conditions for making an appointment to the said post.

6. The particulars extracted in the earlier part of this order disclose that the second respondent herein, though secured higher marks in the Matriculation than the first respondent, he had no income certificate, though he produced certain documents in support of his property ownership, whereas the first respondent herein satisfied those most important criteria of having his own income from agricultural land, though he had secured lesser marks in the Matriculation. Therefore, we do not find any infirmity at all in the order of the petitioner in having selected the first respondent for the post of EDBPM of Arasanatham B.O.

7. The reasoning of the Central Administrative Tribunal in stating that the requirements relating to income and ownership to the property, will have to be looked into only after the selection, is like "putting the cart before the horse". The stipulations contained in the method of recruitment referred to above, disclose that even at the time of selection itself, such criteria, namely source of livelihood and possession of property, should be specified. Therefore, we are unable to sustain the said reasoning of the Tribunal, as has been stated in the order impugned in this Writ Petition. Consequently, the Tribunal's interference with the order of the petitioner, dated 30.12.1999 in having selected and appointed the first respondent on the basis that he satisfied all the three pre-requisites, namely educational qualification, income criteria and property holdings, was not justified.

8. The impugned order of the Tribunal is set aside. The Writ Petition stands allowed. No costs. W.P.M.P. is closed.

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Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

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To

1. Union of India,
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2. The Registrar,
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   Madras Bench,
   City Civil Court Buildings,
   Chennai-600 104.

+ One cc to mr. M. Devadoss ACGSC 27142
+ One cc to Mr. S. Mani Advocate sR 26598
PPV (co)
sg 14/5/07

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